

**AN ORDINANCE
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE IX, DIVISION 2, SECTION 74-440 OF THE CITY OF ATLANTA CODE OF ORDINANCES, ENTITLED ‘ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES’, SO THAT CERTAIN DULY AUTHORIZED AGENTS OF THE DEPARTMENT OF WATERSHED MANAGEMENT MAY BECOME CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, Section 98-1 of the City of Atlanta (“City”) Code of Ordinances (“Code”) outlines the application process for special police officers, their authority, and a list of persons who are eligible to become such officers; and

WHEREAS, the City’s Department of Police desires to amend Section 98-1 of the Code to change the name of special police officers to ‘code enforcement agents’, and to more accurately define the function; and

WHEREAS, Chapter 74, Article IX protects the public health, safety, environment and general welfare by regulating non-stormwater discharges to the storm sewer system of the City; and

WHEREAS, Section 74-440 states that the commissioner of Watershed Management or any authorized agent of the Department may, with permission from the property owner, enter and inspect public and private property in the City to determine whether such property is free from any condition that may be in violation of Article IX; and

WHEREAS, Section 74-440 further provides that for the purpose of inspecting property, the agent of the Department of Watershed Management is clothed with police power and shall be designated a special officer of the city; and

WHEREAS, the Department of Police desires to delete the language which confers police powers upon such personnel and designates them special officers, and provide these officers and employees with the opportunity to become code enforcement agents pursuant to Section 98-1; and

WHEREAS, the Department of Police and the Department of Watershed Management are in agreement with these employees applying for status as code enforcement agents.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That the first paragraph of Chapter 74, Article IX, Division 2, Section 74-440 of the City of Atlanta Code of Ordinances, which reads:

The commissioner of watershed management or any duly authorized agent of the department may, upon the permission of the property owner, enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or not free of any condition which may be in violation of this article. For the purpose of this duty, the agent of the department of watershed management is clothed with police powers and shall be designated a special officer of the city.

be hereby amended to read as follows:


The commissioner of watershed management or any duly authorized agent of the department may, upon the permission of the property owner, enter on and inspect any and all public and private property in the city to determine by inspection that those properties are or not free of any condition which may be in violation of this article. For the purpose of this duty, the agent of the department of watershed management is eligible to apply for status as a code enforcement agent under Section 98-1. In order to enforce code provisions and issue citations, the agent of the Department of Watershed Management must apply for and receive status as a code enforcement agent.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Simone D. Brathwaite 

Contact Number: x 6310

Originating Department: Department of Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: August 28, 2006

Committee Meeting Date(s): September 12-13, 2006 Full Council Date:
September 18, 2006



Commissioner Signature 

CAPTION

AN ORDINANCE TO AMEND CHAPTER 74, ARTICLE IX, DIVISION 2, SECTION 74-440 OF THE CITY OF ATLANTA CODE OF ORDINANCES, ENTITLED 'ACCESS AND INSPECTION OF PROPERTIES AND FACILITIES', SO THAT CERTAIN DULY AUTHORIZED AGENTS OF THE DEPARTMENT OF WATERSHED MANAGEMENT MAY BECOME CODE ENFORCEMENT AGENTS; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT:

Mayor's Staff Only

Received by Mayor's Office: 8.29.06  Reviewed by: 
(date) (date)

Submitted to Council: 9/1/06
(date)